
SENATE BILL No. 635

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-12.

Synopsis: Public safety employees as volunteer firefighters. Provides that a unit may discipline an active member of a police or fire department of the unit for absence from employment for volunteer firefighting duties.

Effective: July 1, 2005.

Broden

January 24, 2005, read first time and referred to Committee on Pensions and Labor.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 635

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-8-12-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except as provided
3 in ~~section~~ **sections 10 and 10.5** of this chapter, this chapter applies to
4 all units except counties.
- 5 SECTION 2. IC 36-8-12-10.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10.5. (a) This section
7 does not apply to an employee of the state subject to IC 4-15-10-7.
- 8 **(b) This section does not apply to an active member of a:**
9 **(1) police; or**
10 **(2) fire;**
11 **department of a unit.**
- 12 ~~(b)~~ **(c) Except as provided in subsection (b),** this section applies
13 to an employee of a political subdivision who:
14 (1) is a volunteer firefighter; and
15 (2) has notified the employee's employer in writing that the
16 employee is a volunteer firefighter.
- 17 ~~(c)~~ **(d) The political subdivision employer may not discipline an**



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1 employee:

2 (1) for being absent from employment by reason of responding to
3 a fire or emergency call that was received before the time that the
4 employee was to report to employment; or

5 (2) for leaving the employee's duty station to respond to a fire or
6 an emergency call if the employee has secured authorization from
7 the employee's supervisor to leave the duty station in response to
8 a fire or an emergency call received after the employee has
9 reported to work.

10 ~~(d)~~ (e) The political subdivision employer may require an employee
11 who has been absent from employment as set forth in subsection ~~(c)(1)~~
12 (d)(1) or ~~(c)(2)~~ (d)(2) to present a written statement from the fire chief
13 or other officer in charge of the volunteer fire department at the time
14 of the absence indicating that the employee was engaged in emergency
15 firefighting or emergency activity at the time of the absence.

16 ~~(c)~~ (f) An employee who is disciplined by the employer in violation
17 of subsection ~~(c)~~ (d) may bring a civil action against the employer in
18 the county of employment. In the action, the employee may seek the
19 following:

- 20 (1) Payment of back wages.
21 (2) Reinstatement to the employee's former position.
22 (3) Fringe benefits wrongly denied or withdrawn.
23 (4) Seniority rights wrongly denied or withdrawn.

24 An action brought under this subsection must be filed within one (1)
25 year after the date of the disciplinary action.

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